

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

Jaime Gumbs,
Petitioner

v.

Case No. 214-3194

Department of Health
and Human Services,
Respondent

CONSENT MOTION TO EXTEND BRIEFING SCHEDULE

Now comes Petitioner Jaime Gumbs, through counsel and with the consent of counsel for Respondent Department of Health and Human Services, and pursuant to Fed. R. App. P. 26(b) and Fed. Cir. R. 26, and pursuant to Fed. R. App. P. 27 and Fed. Cir. R. 27, respectfully moves this honorable Court for a brief extension of the briefing schedule as otherwise applicable to this matter.

In support of this Motion, Petitioner states as follows:

1. Petitioner's Formal Brief is due December 8, 2014. An extension of 14 days (through and including December 22, 2014) is requested in which to file Petitioner's Formal Brief in this matter. No previous extensions have been requested or granted.
2. Counsel for Petitioner has underway substantial research and drafting, and had reasonably anticipated adequate time commencing the week of December 1, 2014 to complete and file a Formal Brief in this matter.
2. On the afternoon of Saturday November 29, 2014 a close personal friend of undersigned counsel passed away unexpectedly as a result of injuries suffered in a traffic accident. Counsel has devoted substantial time and effort in the past several days to matters related to that death and assisting in managing related issues related and in

making appropriate arrangements. As a result, counsel has not been able to spend time otherwise needed to complete and timely file the Formal Brief in this matter by the deadline otherwise imposed under the Rules.

3. Petitioner's counsel is a sole practitioner, and as such must personally complete all work required in this case, and is in unique possession of knowledge and factual arguments critical to this case on appeal. Upon realizing that the aforementioned personal obligations would prevent him from timely completing the task in a manner zealously advocating his client's position, he immediately contacted counsel for Respondent, who consents to the relief sought. Respondent will not file any opposition to this Motion.

4. Undersigned counsel respectfully submits that the unanticipated events and obligations leading to Petitioner's request for relief under this Motion constitute "extraordinary circumstances" that would not have permitted Petitioner's counsel to file the instant Motion at least seven calendar days prior to the existing deadline, as otherwise required by Fed. Cir. R. 26(b)(1), since the need for extension was not yet as of that date apparent or manifest.

5. No party will be prejudiced, and the interests of justice served, by permitting counsel an additional period of fourteen (14) days in which to complete and file the Petitioner's Brief in this matter.

Declaration of Counsel Pursuant to Fed. Cir. R. 26(b)(1)

James M. Loots, by his signature below, personally hereby states under penalty of perjury pursuant to 28 U.S.C. § 1746 that the above recitation of facts and circumstances

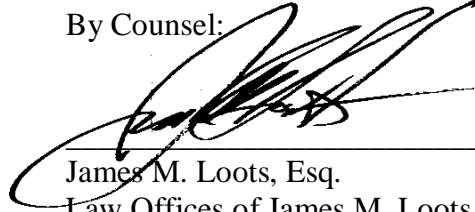
is true and correct, and that he believes in good faith that extraordinary circumstance exists sufficient to justify the short-notice filing of the instant motion.

Respectfully Submitted:

December 4, 2014

PETITIONER JAIME GUMBS

By Counsel:

A handwritten signature in black ink, appearing to read 'James M. Loots', is written over a horizontal line.

James M. Loots, Esq.

Law Offices of James M. Loots PC

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Washington DC 20003

(202) 536-5650

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Certificate of Service

I hereby certify that on December 4, 2014, I caused a copy of the foregoing to be served

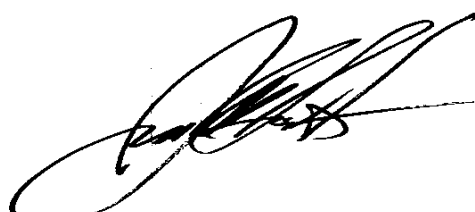
by PACER/ECF upon counsel for Respondent:

William J. Grimaldi

United States Department of Justice, Commercial Litigation Branch

PO Box 480, Ben Franklin Station

Washington DC 20044

A handwritten signature in black ink, appearing to read 'William J. Grimaldi', is written over a horizontal line.